

## 4.4 CULTURAL RESOURCES

### 4.4.1 SETTING

The environmental diversity of Southern California, with its ranges of climate, varied topography and geology, and wide array of biological communities, creates an equally diverse cultural landscape, prehistorically and historically. The level of archaeological and historical studies completed in the study area, comprised of SCG/SDG&E service territories, ranges from extensive studies to no formal investigations. Overall, the cultural resource setting includes prehistoric sites that may extend back for several thousand years with some sites showing evidence of contact with early European exploration of California. The historic sites in the study area can reflect the broad cultural panorama of these regions of California. Historic sites can include those associated with early exploration and colonization; the Spanish, Mexican, and American expansions; the Gold Rush; the boom of the 1880s–1890s; post-1900 industrialization; and growth during the World War I, World War II, and post-war eras.

Pre-dating, and in some cases contemporary with, human habitation of the study area, paleontological resources in the form of fossilized remains of organisms that lived in the region in the geologic past are also present in the soil and preserve an additional aspect of prehistory. These resources are also present in the study area.

Additionally, much of the study area was occupied during both the prehistoric and protohistoric periods; therefore archaeological sites are widespread and numerous. Rock outcrops, river and stream drainages, and coastal strips were often prime locations for Native American village sites or processing camps. These locations now range from highly urbanized locations such as cities to undeveloped areas of the high desert. Often archaeological sites are covered by three feet or more of topsoil, thereby protecting the remains even after an area has been fully urbanized.

### 4.4.2 REGULATORY SETTING

#### ***FEDERAL***

Federal regulations and policies pertain to those actions that involve federal funding, federal licensing, or federal permitting. Examples may include federal grants or licensing (FERC and ICC) and federal permits associated with vegetation and wetlands (U.S. Army Corps of Engineers [Corps] Section 404 permits).

#### **Section 106 Review**

Section 106 of the National Historic Preservation Act (NHPA), and its current regulations (36 CFR 800) effective January 2001, requires that all federal agencies review and evaluate how their actions or undertakings may affect historic properties. Review under Section 106 is designed to ensure that historic properties are considered throughout the various stages of federal project planning and execution. Under Section 106, historic properties are those prehistoric and historic resources that are listed or eligible for listing in the National Register of Historic Places.

The review process is administered by the Advisory Council on Historic Preservation and the State Historic Preservation Officer (SHPO). Recent changes to the Section 106 process have somewhat increased the role and authority of the SHPO and reduced the role of the Advisory Council.

For actions specific to the proposed program, the Section 106 process may apply if there is a later requirement for a Corps Section 404 permit for river and stream crossings or other waterways under the Corps' jurisdiction.

## ***STATE***

### **California Environmental Quality Act**

A substantial adverse change to the significance of a historical resource constitutes a significant effect on the environment. A "substantial adverse change" means "demolition, destruction, relocation, or alteration such that the significance of a historical resource would be impaired" (Section 15064.5). All properties on the California Register that may be affected by development or zoning actions must be considered under CEQA. The fact that a resource or property is not listed on the California Register does not preclude it from being significant and does not make it exempt from CEQA evaluation. Examples may include locally designated properties and properties evaluated as significant in cultural resource surveys that meet California Register of Historical resources (CRHR) criteria and California Office of Historic Preservation standards (the current surveys meet such criteria). Native American sites and areas of cultural sensitivity or sacred value may also be found to be significant in spite of not being listed or to have perceived value to the community as a whole.

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### **State Historical Building Code**

In California, the State Historical Building Code (SHBC) provides some degree of flexibility to owners of historic structures towards meeting building code requirements. The SHBC standards and regulations are performance-oriented rather than prescriptive unlike most housing codes which are more prescriptive. Jurisdictions must use the SHBC when dealing with qualified historical buildings, structures, sites, or resources in permitting repairs, alterations and additions necessary for the preservation, rehabilitation, relocation, related reconstruction, change of use, or continued use of a historic property. Activities proposed for FIG technology implementation do not include alterations or additions to any buildings or structure, therefore, the proposed program is not likely to be affected by SHBC.

## ***COUNTIES***

The policies and regulations of the various counties as they apply to historical resources in the study area are limited. Each affected county has policies (ordinances and General Plans) that

echo CEQA and also reflect local policy on the preservation and enhancement of historical resources.

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## **4.4.3 IMPACTS AND MITIGATION MEASURES**

### ***APPROACH TO ANALYSIS***

The following analysis identifies potential impacts on cultural resources that could occur as a result of activities from FIG technology and describes mitigation measures that would reduce or eliminate potential impacts. The cultural resources inventory for the study area has not been completed; therefore, mitigation for cultural resources includes completion of the cultural resources inventory for proposed activities and the selection of methods to avoid impacts on potentially significant cultural resources in compliance with the CEQA Guidelines.

### ***SIGNIFICANCE CRITERIA***

The overarching criteria for determining the significance of impacts to cultural resources are the significance of the resources themselves, as provided in Public Resources Code 5024.1, Title 14 CCR, Section 4850 et seq., referenced in CEQA Guidelines (Sec. 15064.5), and the severity of the impact in diminishing or destroying the given resource. The general plans for the various counties and cities also address criteria for impact significance. These plans and guidelines necessarily reflect CEQA and efforts to preserve and protect California Historic Landmarks and those properties listed or deemed eligible for inclusion on the California Register of Historical Resources (CRHR), established under Public Resources Code 5024.1.

Pursuant to Section 15064.5 of the CEQA Guidelines, significant impacts could occur to cultural resources identified as historical resources. Identification of historical resources is a prerequisite to determining program impacts. The CRHR is to be used to identify the State's historical resources and to indicate what properties are to be protected from adverse impacts. A site is eligible for the CRHR if it meets one of several criteria patterned after the National Register of Historic Places (36 CFR 60.4) and CEQA. Thus a proposed action would also be considered to have a significant effect if it would adversely effect a resource that is listed or had been determined eligible for the CRHR. Criteria for listing on the California Register of Historic Resources (Pub. Res. Code SS5024.1, Title 14 CCR, Section 4852) include the following:

- Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
- Is associated with the lives of persons important in our past;

- Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
- Has yielded, or may be likely to yield, information important in prehistory or history.

Specifically, impacts would be deemed significant if there is substantial adverse change by means of physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of the resource would be materially impaired. Per Section 15064.5 (b)(2) of the CEQA Guidelines the significance of a historical resource is materially impaired when a project:

- Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register of Historical Resources; or
- Demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources pursuant to section 5020.1(k) of the Public Resources Code or its identification in an historical resources survey meeting the requirements of section 5024.1(g) of the Public Resources Code, unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant; or
- Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its eligibility for inclusion in the California Register of Historical Resources as determined by a lead agency for the purposes of CEQA.
- Cultural resources not found to be eligible for CRHR usually do not require further management consideration. If resources are considered historical resources per CEQA (e.g. eligible for the CRHR) than ground disturbing or other construction related activities could remove or destroy cultural deposits or those characteristics of the resource which may it eligible for the CRHR. Resource altering disturbances could result in the loss of integrity of historical resources, the loss of information, and the alteration of site setting which could be a significant impact.

### ***IMPACT MECHANISMS***

It is assumed that the greatest impact to cultural resources and more specifically, to archaeological resources on the ground, would occur as a result of construction related activities during FIG installation. During the course of construction, because conduit would be installed in existing utilities, ground-disturbing activities associated with FIG installation would occur in areas that were previously disrupted during installation of the natural gas pipelines. An impact may occur, however, if ground disturbance were required outside the footprint of the existing utility. The extent of the particular impact to an archaeological site would depend on the depth and breadth of a given resource and the degree to which the action would intrude into the

resource. Impacts to historic structures, i.e. buildings, are not anticipated because construction would not impact or degrade register-eligible historic values.

Normal, routine maintenance would not typically constitute potential impacts. Exceptions might include emergency repairs that require mechanical excavation in sensitive areas, particularly if excavation were necessary in areas that had not been previously disturbed.

### ***IMPACT ASSESSMENT***

#### **Impact CUL-1: Possible substantial effects can occur to known, but unevaluated prehistoric and historic archaeological deposits from ground disturbing construction operations (construction related impact, particularly portals outside of previously excavated areas).**

It is a goal of the proposed program to apply the FIG technology in an developed environment, i.e., in highly congested areas, where the trench-and-lay method of fiber optic installation would be impractical due to the lack of space for new substructures, or due to the cost. In general, the potential for construction activities to affect cultural resources is low, as all excavation would occur within the existing SCG/SDG&E easements in areas that were previously disrupted during installation of the natural gas pipelines. Because all construction activities would occur in areas previously excavated for the gas pipeline installations, it is unlikely that known or unknown historical, paleontological, or cultural resources would be encountered during excavation.

For any excavation outside of previously excavated areas, the proposed program would follow all federal, state and local laws, ordinances, regulations, and standards applicable to the protection of cultural resources. Additionally, the proposed program would develop protocols to be followed in the proposed program's Cultural Resource Plan and Procedures, a document to be approved by the CPUC.

#### **Mitigation Measure CUL-1a: For any excavation outside of previously excavated areas, conduct a records search for the proposed study area and the lands within a one-mile radius from the appropriate California Historical Resources Information System (CHRIS).**

The records search has two objectives: (1) to determine whether previous archaeological investigations have been conducted in the proposed study area, and (2) to provide information on known prehistoric or historic sites or culturally sensitive areas on and in the vicinity of the proposed program. The records search also checks the Office of Historic Preservation (OHP) Historic Property Data File, which includes the National Register of Historic Places (listings and eligibility determinations), California Points of Historical Interest, and California Historical Landmarks, and any local historic or archaeological societies. Additionally, a letter will be sent to the Native American Heritage Commission (NAHC) requesting a search of the NAHC Sacred Lands file and identification of a contact person or persons within NAHC for follow-on contact/consultation.

**Mitigation Measure CUL-1b:** For any proposed locations that have the potential for buried prehistoric cultural material or fossils, all grading and excavation for FIG installation will be monitored by a qualified archaeologist. Monitoring is required within 500 feet of the boundaries of known cultural resources (including extant architectural features) and within 1,000 feet of the locations of modern and historic stream crossings. Monitors must have 2 years of professional experience and be certified by the CPUC. Monitors will be under the supervision of the cultural resources specialist.

If archaeological material is encountered, including significant historic, archaeological, or paleontological resources, the monitor will have the authority to halt construction within 100 feet of the find. A professional archaeologist or paleontologist will be contacted and consulted on the significance of the find and appropriate actions to mitigate impacts will be identified and implemented before construction activities will be allowed to resume.

**Significance After Mitigation:** Less than significant.

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**Impact CUL-2:** Potential discovery or disturbance of unique paleontological resources during construction could constitute an impact. Because significant fossil discoveries can be made in areas designated as low, as well as moderate to high potential, excavation activities could possibly unearth significant paleontological resources. While this is unlikely, should such resources be encountered, this would be a significant impact.

**Mitigation Measure CUL-2a:** In the event that fossil remains are encountered, either by the cultural resources monitor or by construction personnel, qualified paleontological specialists will be contacted. Construction within 50 feet of the find will be temporarily halted or diverted until the discovery is examined by a qualified vertebrate paleontologist. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. Significant fossils will be salvaged through a program of excavation, analysis, and documentation. Fossil remains collected during the salvage program shall be cleaned, sorted, catalogued, and then deposited in a public, non-profit institution with research interests in the materials.

**Significance After Mitigation:** Less than significant.

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**Impact CUL-3:** Possible substantial effects may occur to human burials from construction operations. Subsurface excavation in the areas known or suspected to contain burials or archaeological sites of the type known to possess burials (occupation sites), could disturb or destroy significant human remains. This could include burials of prehistoric remains or non-Indian pioneers.

**Mitigation Measure CUL-3a: If human remains are found at any time during site preparation or excavation activities, all work will immediately stop within 100 feet of the find. The program archaeologist will be notified immediately and will, in turn, immediately notify the county coroner for the appropriate county in compliance with Section 7050.5 of the California Health and Safety Code. Upon the completion of compliance with all relevant sections of the California Health and Safety Code, the cultural resources specialist will implement Mitigation Measure CUL-1b.**

**Significance After Mitigation:** Less than significant.

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